

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MARK WILLIAM HARRIS, #R6390

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:10-cv-443-LG-RHW

ANITA CAROL PEARSON

DEFENDANT

ORDER

Upon consideration of the complaint filed pursuant to 42 U.S.C. § 1983 by the Plaintiff in the above entitled action, the Plaintiff's claims against Defendant Pearson are unclear. In order to maintain an action pursuant to 42 U.S.C. § 1983, Plaintiff must allege that a person acting under color of state law deprived him of a right secured by the Constitution or other law of United States. *See West v. Atkins*, 487 U.S. 42, 48 (1988); *see also Daniel v. Ferguson*, 839 F.2d 1124 (5th Cir. 1988). The Plaintiff fails to specifically state in his complaint facts to support a claim that his constitutional rights were violated by Defendant Pearson. Moreover, it is unclear from the complaint if Defendant Pearson is a "state actor" as required to maintain this § 1983 civil action. The Plaintiff further fails to state factual allegations to support his claim of a conspiracy. *See Dayse v. Schuldt*, 894 F.2d 170, 173 (5th Cir. 1990) (In the case of an alleged conspiracy, "[m]ere conclusory allegations of conspiracy cannot, absent reference to material facts, 'constitute grounds for § 1983 relief.'). Hence, the Plaintiff must provide additional information concerning his complaint. Accordingly, it is hereby,

ORDERED:

1. That **on or before February 9, 2011**, Plaintiff shall file a written response to:
 - (a) specifically state how Defendant Pearson violated Plaintiff's constitutional rights;

- (b) specifically state how Defendant Pearson is a "state actor";
- (c) specifically state if Defendant Pearson as a bail bondsman "picked up" the Plaintiff and surrendered him to law enforcement;
- (d) specifically state if Defendant Pearson as a bail bondsman "picked up" the Plaintiff pursuant to an arrest warrant or did she enlist the help of law enforcement to execute the warrant;
- (e) specifically state if Defendant Pearson is being named only because she is the employer of the bail bondsmen who "picked up" Plaintiff and surrendered him to law enforcement; and
- (f) specifically state facts to establish that Plaintiff conspired with state actors to violate the Plaintiff's constitutional rights.

2. That failure to advise this Court of a change of address or failure to timely comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the Plaintiff and may result in this cause being dismissed without prejudice and without further notice to the Plaintiff.

3. That the Clerk of Court is directed to mail a copy of this order to the Plaintiff at his last known address.

THIS, the 25th day of January, 2011.

s/ Robert H. Walker
UNITED STATES MAGISTRATE JUDGE